

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

JULIUS JOHNSON,

Plaintiff,

VS.

ATKINS BOYS CLUB,

Defendant.

1:08-cv-1141-DFH-JMS

Entry and Notice

This action was dismissed without prejudice on September 19, 2008, based on the plaintiff's failure to prosecute by failing to file an amended complaint. The initial complaint had been dismissed as unintelligible. In the days following the entry of judgment, the plaintiff filed (a) a notice indicating the defendant's address, and (b) an untitled document which appears to track a list in which legal terminology is present. If this latter document is thought to be the overdue amended complaint, it fails to warrant relief from the disposition of this section for two reasons. Procedurally, the document was filed after the entry of final judgment, and the law is that after judgment is entered, the complaint can only be amended with "leave of court" and after a successful Rule 59(e) or Rule 60(b) motion. *Amendola v. Bayer*, 907 F.2d 760, 765 n.5 (7th Cir. 1990) (citing *Twohy v. First Nat. Bank*, 758 F.2d 1185, 1196 (7th Cir. 1985)). Substantively, the list/amended complaint filed on September 18, 2008, to the extent it is intelligible, fails to state a viable claim for relief.

Based on the foregoing, the final judgment entered in this action will remain in place, and any relief which could be thought to be sought through the filings of September 22, 2008, or October 3, 2008, is **denied**.

So ordered.

David F Hamilton

DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

Date: October 30, 2008

Distribution:

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